THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 1509 of 2006

DATED: 28.01.2006

Between:

A.S.V.Prasad.

... PETITIONER

AND

The Depot Manager.

... RESPONDENT

ORDER:

The petitioner hired his bus, bearing registration No.AP.35/T.5789 to A.P.S.R.T.C. The bus is scheduled to ply on the route from Khammam to Kodad. The petitioner was being paid hire charges, by treating the distance between the said two points as 40 K.Ms. On the ground that the actual distance is 39.52 K.Ms., the respondent proposed to issue Office Order, dated 16.01.2006, proposing to recover a sum of Rs.73,893/-, being the difference, for the period from 16.05.2001 to 31.10.2005. The petitioner challenges the same.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The terms of contact, for hiring the bus of the petitioner to the Corporation, are contained in the agreement entered into between the parties. Even assuming that there is any discrepancy between the actual distance and the one indicated in the agreement, the respondent cannot unilaterally alter the same. Such a step can be taken only after putting the petitioner on notice, and after conducting joint inspection or verification. Admittedly, no such verification has been undertaken.

On this short ground, the Writ Petition is allowed, and the impugned order is set aside. It is, however, made clear that it shall be open to the respondent to undertake joint inspection, along with the petitioner, and to take further steps, on the basis of the outcome of such inspection. There shall be no order as to costs.

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28.01.2006

Jsu